

REMARKS

Regarding the novelty rejection, the Examiner states that the solutions defined in the independent claims of the present application would lack novelty in light of prior art document JP 09-312890 (hereinafter '890).

The scope of the amended independent claims 1, 10, 17, and 24 has been limited to a solution in which it is checked whether execution of a function is permitted and, as a response to a situation in which the execution is permitted, the function is activated. Dependent claims 11 and 25 are deleted because they are redundant with the amended independent claims 10 and 24.

The above-described amendment is supported by the following text passage at page 9, lines 6-15 of the description of the PCT-application corresponding to the present application (emphasizing underlining added):

“Thereafter it is checked, in step 205, whether the functions according to the functional instruction can be executed in the receiving device. First it is checked whether it is permitted in the current device settings to execute the functions according to the functional instructions received from another device. There may be a general prohibition, in which case the functional instruction cannot be activated at all. The functional prohibition may also refer only to a certain function, for instance vibration. If the functions according to the functional instructions are not permitted, the user can be informed, for example by a text shown on the display screen, that a device has transmitted functional instructions to his device. After that, the user may either activate the received functional instructions, store them or remove them.”

The amendment is further supported by the text passage at page 9, lines 27-28 (see also step 206 of Fig. 2b): “If the execution is permitted, the activated functional instructions are executed in step 206.”

The amended set of claims also include new independent claims 31 and 32 that recite similar subject matter as the amended claims 17 and 24, respectively, but without the ‘means + function’ phraseology.

The amended set of claims also include a new independent claim 33 that recites similar subject matter as the amended claim 22, but the claimed entity is a mobile terminal.

The fact that the claimed entity can be a mobile terminal is supported e.g. in page 4, lines 25-28 of the PCT application corresponding to the present application (emphasizing underlining added):

“In addition, the device illustrated in figure 1, typically a mobile terminal, comprises typical transmission and reception branches for establishing a network connection and for transmitting data into the network and for receiving data from the network. These transmitter and receiver branches are not illustrated in figure 1.”

The new claims 34 and 35 find support in the specification at page 10, lines 20-22 and 30-37.

The cited reference ‘890 does not show or suggest the features of the amended independent claims. Therefore, the cited reference does not constitute a bar to patentability of the amended independent claims. The dependent claims are allowable along with the independent claims for at least the same reasons.

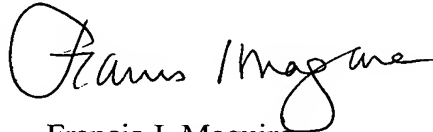
Withdrawal of the novelty rejection is requested.

The objections and rejections of the Office Action of November 15, 2007, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-10, 12-22, and 24-35 to issue is earnestly solicited.

New independent claims 31-33 and new dependent claims 34 and 35 have been added. Since 30 total claims and 4 independent claims were previously paid for and twenty-eight total claims remain, the only added fee required is for the extra three independent claims (there are now seven independent claims). Therefore, we enclose our check for \$630.00 for the three new independent claims. If this fee is insufficient or missing, the Commissioner is authorized to deduct the missing fee or shortfall from our Deposit Account No. 23-0442.

It is not believed that there is any extension of time fee required but if this belief is incorrect, the Commissioner is requested to consider this paper to be a petition for the correct extension of time period and is authorized to deduct the correct fee from our Deposit Account No. 23-0442.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is fluid and cursive, with a large initial "F" and "M".

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